

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

EL CAMPO VENTURES, LLC,

Plaintiff,

v.

STRATTON SECURITIES, INC., et al.,

Defendants.

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1:20-CV-560-RP

**ORDER**

Before the Court is Defendants Stratton Securities, Inc. (“Stratton Securities”), Daniel Stratton, and Shannon Stratton’s (together, “Defendants”) Motion to Amend Final Judgment and for Award of Costs, (Dkt. 115), and Plaintiff El Campo Ventures LLC’s (“Plaintiff”) response, (Dkt. 119). In their motion, Defendants argue that the final judgment should be amended to reflect that Plaintiff was awarded damages only against Stratton Securities and not the other defendants. (Dkt. 115, at 1). Defendants request that the Court amend the final judgment and award costs to “Defendants”—presumably by which they mean the other defendants but that is not clear—“because they prevailed on all claims asserted against them.” (*Id.*). In its response, Plaintiff does not oppose that the judgment be amended. (Dkt. 119). Given the lack of opposition, the Court will amend the judgment.

Plaintiff does object, however, to Defendants’ request for the award of costs, noting that Plaintiff is the prevailing party in this case, not the other defendants. (*Id.* at 1). Relying on *Studiengesellschaft Kohle v. Eastman Kodak*, Plaintiff argues that a case “must be viewed as a whole to determine who is the prevailing party.” 713 F.2d 128, 131 (5th Cir. 1983). The Court agrees. The draft jury verdict submitted by Plaintiff did not name the other defendants in the questions pertaining to the breach of contract and damages stemming from the breach of contract. (Dkt. 75, at

51–52). Those questions only named Stratton Securities. (*Id.*). The omission of the other defendants may have been intentional or unintentional. Either way, viewing the case as a whole, Plaintiff won an over \$4 million verdict. (Verdict, Dkt. 109, at 1). The remaining questions on the verdict form addressed Plaintiff's other claims and asked the jury to make findings and award damages as to all three defendants. (*Id.*, at 2–3; *see also* Dkt. 75, at 52–54). While Plaintiff did not win their other claims and those other claims were against all defendants, the Plaintiff is still the prevailing party in this case.

For these reasons, **IT IS ORDERED** that Defendants' Motion to Amend Final Judgment and for Award of Costs, (Dkt. 115), is **GRANTED IN PART** and **DENIED IN PART**. The motion is granted as to Defendants' request to amend the judgment and denied as to Defendants' request for an award of costs.

The Court will enter an amended final judgment by separate order.

**SIGNED** on August 23, 2022.



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ROBERT PITMAN  
UNITED STATES DISTRICT JUDGE